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By: **Senators Garagiola, Colburn, Hogan, Hollinger, Hooper, and Kramer**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Driver's License Suspension and Revocation - Alcoholic Beverages**  
3 **Violations**

4 FOR the purpose of authorizing the Motor Vehicle Administration to revoke the  
5 driver's license of a person who, within a certain time period, is found guilty a  
6 certain number of times of a code violation for the offense of furnishing an  
7 alcoholic beverage to an individual under a certain age or knowingly and  
8 willfully allowing the possession or consumption of an alcoholic beverage by an  
9 individual under a certain age at the person's residence; authorizing the  
10 Administration to suspend for a certain number of days the driver's license of a  
11 person who is found guilty of a code violation for the offense of furnishing an  
12 alcoholic beverage to an individual under a certain age or knowingly and  
13 willfully allowing the possession or consumption of an alcoholic beverage by an  
14 individual under a certain age at the person's residence; authorizing the  
15 Administration to suspend for a certain number of days the driver's license of a  
16 person who, within a certain time period, is found guilty a certain number of  
17 times of a code violation for the offense of furnishing an alcoholic beverage to an  
18 individual under a certain age or knowingly and willfully allowing the  
19 possession or consumption of an alcoholic beverage by an individual under a  
20 certain age at the person's residence; providing a certain exception for a person  
21 subject to certain other penalties; and generally relating to driver's license  
22 suspensions and revocations.

23 BY repealing and reenacting, without amendments,  
24 Article - Criminal Law  
25 Section 10-117  
26 Annotated Code of Maryland  
27 (2002 Volume and 2005 Supplement)

28 BY repealing and reenacting, with amendments,  
29 Article - Transportation  
30 Section 16-205(a), (c), and (d)  
31 Annotated Code of Maryland  
32 (2002 Replacement Volume and 2005 Supplement)

1 BY adding to  
2 Article - Transportation  
3 Section 16-205(h)  
4 Annotated Code of Maryland  
5 (2002 Replacement Volume and 2005 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article - Criminal Law**

9 10-117.

10 (a) Except as provided in subsection (c) of this section, a person may not  
11 furnish an alcoholic beverage to an individual if:

12 (1) the person furnishing the alcoholic beverage knows that the  
13 individual is under the age of 21 years; and

14 (2) the alcoholic beverage is furnished for the purpose of consumption by  
15 the individual under the age of 21 years.

16 (b) Except as provided in subsection (c) of this section, an adult may not  
17 knowingly and willfully allow an individual under the age of 21 years actually to  
18 possess or consume an alcoholic beverage at a residence, or within the curtilage of a  
19 residence that the adult owns or leases and in which the adult resides.

20 (c) (1) The prohibition set forth in subsection (a) of this section does not  
21 apply if the person furnishing the alcoholic beverage and the individual to whom the  
22 alcoholic beverage is furnished:

23 (i) are members of the same immediate family, and the alcoholic  
24 beverage is furnished and consumed in a private residence or within the curtilage of  
25 the residence; or

26 (ii) are participants in a religious ceremony.

27 (2) The prohibition set forth in subsection (b) of this section does not  
28 apply if the adult allowing the possession or consumption of the alcoholic beverage  
29 and the individual under the age of 21 years who possesses or consumes the alcoholic  
30 beverage:

31 (i) are members of the same immediate family, and the alcoholic  
32 beverage is possessed and consumed in a private residence, or within the curtilage of  
33 the residence, of the adult; or

34 (ii) are participants in a religious ceremony.

**Article - Transportation**

16-205.

(a) The Administration may revoke the license of any person who:

(1) Is convicted under § 21-902(a) or (d) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol, while under the influence of alcohol per se, or while impaired by a controlled dangerous substance; [or]

(2) Within a 3-year period, is convicted under § 21-902(b) or (c) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol or while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely and who was previously convicted of any combination of two or more violations under:

(i) § 21-902(a) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol or while under the influence of alcohol per se;

(ii) § 21-902(b) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol;

(iii) § 21-902(c) of this article of driving or attempting to drive a motor vehicle while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely; or

(iv) § 21-902(d) of this article of driving or attempting to drive a motor vehicle while impaired by a controlled dangerous substance; OR

(3) EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, WITHIN A 3-YEAR PERIOD, HAS BEEN FOUND GUILTY THREE OR MORE TIMES OF A CODE VIOLATION UNDER § 10-117 OF THE CRIMINAL LAW ARTICLE OF FURNISHING AN ALCOHOLIC BEVERAGE TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS OR KNOWINGLY AND WILLFULLY ALLOWING THE POSSESSION OR CONSUMPTION OF AN ALCOHOLIC BEVERAGE BY AN INDIVIDUAL UNDER THE AGE OF 21 YEARS AT THE PERSON'S RESIDENCE.

(c) The Administration may suspend for not more than 60 days the license of any person who [is]:

(1) IS convicted under § 21-902(b) or (c) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol or while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely; OR

(2) EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, IS FOUND GUILTY OF A CODE VIOLATION UNDER § 10-117 OF THE CRIMINAL LAW

1 ARTICLE OF FURNISHING AN ALCOHOLIC BEVERAGE TO AN INDIVIDUAL UNDER THE  
2 AGE OF 21 YEARS OR KNOWINGLY AND WILLFULLY ALLOWING THE POSSESSION OR  
3 CONSUMPTION OF AN ALCOHOLIC BEVERAGE BY AN INDIVIDUAL UNDER THE AGE OF  
4 21 YEARS AT THE PERSON'S RESIDENCE.

5 (d) The Administration may suspend for not more than 120 days the license of  
6 any person who[, within]:

7 (1) WITHIN a 3-year period, is convicted under § 21-902(b) or (c) of this  
8 article of driving or attempting to drive a motor vehicle while impaired by alcohol or  
9 while so far impaired by any drug, any combination of drugs, or a combination of one  
10 or more drugs and alcohol that the person cannot drive a motor vehicle safely and who  
11 was previously convicted of a violation under:

12 [(1)] (I) § 21-902(a) of this article of driving or attempting to drive a  
13 motor vehicle while under the influence of alcohol or while under the influence of  
14 alcohol per se;

15 [(2)] (II) § 21-902(b) of this article of driving or attempting to drive a  
16 motor vehicle while impaired by alcohol;

17 [(3)] (III) § 21-902(c) of this article of driving or attempting to drive a  
18 motor vehicle while so far impaired by any drug, any combination of drugs, or a  
19 combination of one or more drugs and alcohol that the person cannot drive a motor  
20 vehicle safely; or

21 [(4)] (IV) § 21-902(d) of this article of driving or attempting to drive a  
22 motor vehicle while impaired by a controlled dangerous substance; OR

23 (2) EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, WITHIN  
24 A 3-YEAR PERIOD HAS BEEN FOUND GUILTY TWO TIMES OF A CODE VIOLATION  
25 UNDER § 10-117 OF THE CRIMINAL LAW ARTICLE OF FURNISHING AN ALCOHOLIC  
26 BEVERAGE TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS OR KNOWINGLY AND  
27 WILLFULLY ALLOWING THE POSSESSION OR CONSUMPTION OF AN ALCOHOLIC  
28 BEVERAGE BY AN INDIVIDUAL UNDER THE AGE OF 21 YEARS AT THE PERSON'S  
29 RESIDENCE.

30 (H) THE ADMINISTRATION MAY NOT SUSPEND OR REVOKE THE LICENSE OF A  
31 PERSON IF:

32 (1) ANY OF THE VIOLATIONS OF § 10-117 OF THE CRIMINAL LAW ARTICLE  
33 ON WHICH THE SUSPENSION OR REVOCATION IS BASED ARE COMMITTED WHILE THE  
34 PERSON IS ACTING IN THE CAPACITY OF A LICENSEE LICENSED UNDER ARTICLE 2B  
35 OF THE CODE OR AN EMPLOYEE OF A LICENSEE; AND

36 (2) THE PERSON HAS COMMITTED A VIOLATION OF AND IS SUBJECT TO  
37 THE PENALTIES UNDER ARTICLE 2B, § 12-108 OF THE CODE.

38 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
39 October 1, 2006.

